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Front Page

► Local News

Sports

Business

Editorials

Tempo

Travel

Health

Technology

Weather

Back Issues

Search

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Bearcats

Bengals

High School

Reds

Xavier

VIEWPOINTS

Jim Borgman

Columnists

Readers' views

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Movies

Dining

Horoscopes

Lottery Results

Local Events

Video Games

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Friday, September 13, 2002

Coroner's review verifies Owensby's cause of death

By Gregory Korte, gkorte@enquirer.com
The Cincinnati Enquirer

An independent medical examiner has concluded that Cincinnati Police Officer Robert "Blaine" Jorg killed Roger Owensby Jr. on election night in 2000.

The city's Office of Municipal Investigation hired Dr. Cyril H. Wecht, the coroner of Allegheny County, Pa., to review the case. The city released his findings Thursday.

"The cause of death of Roger Owensby Jr. was mechanical asphyxia due to compression of his chest by Police Officer Robert 'Blaine' Jorg, who was kneeling on his back," the report said.

The impact of the report is unclear. Officer Jorg has already been tried for his role in Mr. Owensby's death and has resigned from the police force. The city, however, remains interested in learning whether any police officers committed procedural or administrative violations.



Jorg

The 17-page report rules out any heart condition that could have caused the death, as Officer Jorg's lawyers have suggested in court documents. Instead, Dr. Wecht's report largely confirms the findings of the Hamilton County Coroner's Office.

Mr. Owensby, 29, died at a Roselawn gas station after a confrontation with police officers on Nov. 7, 2000. From the beginning, the case has presented some of the most difficult issues of any of the police-intervention deaths that ultimately led to the April 2001 riots in Over-the-Rhine.

Dr. Wecht's report, which relied on both medical evidence and witness statements, determined that Mr. Owensby was at least unconscious — and possibly dead — before being placed in the back of a police cruiser.

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Officer Jorg's lawyer said Dr. Wecht relied on the wrong witnesses.

"How can he explain how it is that six people saw Roger Owensby walk to the police cruiser, and how numerous witnesses saw Mr. Owensby in three different positions in the back of the car?" said the lawyer, former city Safety Director William Gustavson.

Mr. Gustavson, who represents Officer Jorg in a lawsuit against the city, said he intends to prove that Mr. Owensby died in the back of the cruiser from an unrelated "cardiac event."

"Dr. Wecht must have gone to the Lazarus School of Medicine," he said. "Dead men don't walk."

But witness statements cited in Dr. Wecht's report led him to conclude that Mr. Owensby was more likely dragged into the cruiser.

"I could find no evidence that Mr. Owensby could have walked to the police cruiser under his own power," Dr. Wecht's report said. "It is impossible to say whether he was already dead prior to being carried, or if he died shortly after being placed in the car."

Dr. Wecht said he found no evidence of "significant" heart disease. He said the coronary artery was blocked only 30 to 40 percent — less than the 50 percent in the first autopsy report.

However, there were other aggravating factors leading to Mr. Owensby's death, Dr. Wecht said. Those include the use of a chemical irritant by Officer David Hunter, pressure to Mr. Owensby's back by Officer Patrick Caton, Officer Jorg's use of a "bar hold" around Mr. Owensby's neck, and the time it took for an ambulance to arrive.

Officers Jorg and Caton were charged with assault and were both acquitted. Officer Jorg was also charged with involuntary manslaughter, but the jury could not reach a verdict on that charge.

Hamilton County Prosecutor Mike Allen declined to retry the case. A spokesman for his office said Thursday that he had not seen Dr. Wecht's report and could not comment on whether it would cause him to reconsider.

In March, Officer Jorg left the Cincinnati Police Department to become a police officer in Pierce Township, Clermont County.

Two months later, he filed a \$30 million federal lawsuit, alleging that city and county officials conspired to "to find a white police officer scapegoat" in the death of Mr. Owensby,

a black man whose death inflamed racial tensions.

Mr. Owensby's father said he welcomed the report, but he said it shed little new light on the case.

"It's very important that we get to the truth," said Roger Owensby Sr. "My family believes the Cincinnati Police Department did not investigate this incident properly. I don't think the city should be allowed to continue to investigate it."

Instead, Mr. Owensby repeated his call for a federal civil rights investigation, similar to the one that resulted in convictions of Los Angeles officers in the 1991 beating of Rodney King.

The Office of Municipal Investigation expects to pay \$5,000 to Dr. Wecht, whose resume includes expert testimony in the deaths of Branch Davidian cult leader David Koresh and White House counsel Vince Foster.

OMI's final report is expected to be completed Oct. 30. An internal investigation by the police department is also pending.

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